

COURT CLINIC

FORENSIC SERVICES

A Division of Central Clinic

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September 24, 2004

The Honorable Charles J. Kubicki, Jr.
Hamilton County Court of Common Pleas
1000 Main Street
Cincinnati, OH 45202

Re: Request for review and copies of Court Clinic chart
regarding **Dallas Hayes** (brother of victim—
Michael Bies' capital case), Docket #B952257
From: Carol A. Ellensohn, Assistant Attorney General

Dear Judge Kubicki:

This letter is a follow-up to our telephone conversation of September 15th regarding the above request. I have discussed this request with Peter Cassady, our attorney, Mary Carol Melton, and Dr. Nancy Schmidtgoessling. The Court Clinic has never released subpoenaed documents without the originating Court's express permission. When that Court has instructed us not to release such documents, we have attempted to quash the subpoena. With regards to the above subpoena, we are particularly concerned because the subpoena seeks records of the victim's brother and we feel that complying with the subpoena would violate his privacy and set a bad precedent for future requests. If you instruct us to produce the documents we will do so. If, however, you instruct us not to produce the documents, then we will attempt to have the subpoena quashed.

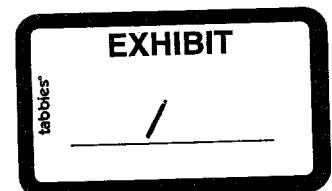
Attached are copies of the Court Reports submitted to Judge Nurre. I am also attaching a form for you to complete indicating how you want us to proceed. This standard form is used anytime a situation like this is presented to us.

The form can be faxed to me at 352-1345 or I would be glad to pick it up. I can be reached at 618-4220 if you have questions. Thank you for your time on this important matter.

Sincerely,



Charlotte Holland
Records Manager




Court Clinic Forensic services has my approval to provide the Court Clinic records regarding Mr. Dallas Hayes' Court Clinic evaluations for review and/or copying, in response to a subpoena issued by Carol A. Ellensohn, Assistant Attorney General, Capital Crimes Section.

Charles J. Kubicki, JUDGE

Date

I do not wish Court Clinic records regarding Mr. Dallas Hayes' Court Clinic evaluations to be provided for review and/or copying, in response to a subpoena issued by Carol A. Ellensohn, Assistant Attorney General, Capital Crimes Section.


Charles J. Kubicki, JUDGE

9-27-04
Date